

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 10-17

Introduced by Council President Boniface at the request of the County Executive

Legislative Session Day No. 10-14

Date: May 18, 2010

A BILL to provide the County Executive with the authorization to execute, on behalf of Harford County, Maryland (the "County"), one or more lease, lease/purchase and/or installment purchase agreements to be executed through the competitive bid process, or negotiated agreement as provided in this Bill, and approved by the County Council of Harford County, Maryland (the "County Council"), for the financing and acquisition of certain necessary and essential computer software to be used to secure, protect and safeguard all or a portion of the business and financial operations of the County (collectively, the "Protective Software System") as approved in the Annual Budget and Appropriation Ordinance, Bill No. 10-13, As

By the Council, May 18, 2010

Introduced, read first time, ordered posted and public hearing scheduled

on: June 15, 2010

at: 6:00 pm

By Order: Barbara J. O'Connor Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 15, 2010, and concluded on June 15, 2010.

Barbara J. O'Connor Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

**COUNTY COUNCIL
OF
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BILL NO. 10-17

Introduced by Council President Boniface at the request of the County Executive

Legislative Session Day No. 10-14

Date: May 18, 2010

Amended, adopted by the County Council on May 11, 2010, approved by the County Executive on May 13, 2010, effective July 1, 2010 (the "Annual Budget and Appropriation Ordinance"), providing that the aggregate principal amount of such financing shall not exceed Ten Million Dollars (\$10,000,000) plus interest; providing that the Protective Software System to be acquired may be obtained through one or more competitive bids and one or more lease purchase agreements, installment purchase agreements and/or lease-leaseback agreements or through private negotiated agreement; providing that the County Council may adopt a Resolution or Resolutions that shall provide for additional details incident to the financing and acquisition of such

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on:

at:

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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Protective Software System, to effect the installment purchase, lease-purchase and/or lease-leaseback acquisition of certain Protective Software System as set forth in the Annual Budget and Appropriation Ordinance, As Amended; and provided further, that the County's obligation to make payments under any such agreement entered into for the acquisition of the such Protective Software System, to be funded through the Annual Budget and Appropriations Ordinance, As Amended, and all other obligations of the County with respect to the financing and acquisition of such Protective Software System, shall

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on:

at:

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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Upon approving resolution of the County Council, be issued upon the full faith and credit and unlimited taxing power of the County; unless the County Council, upon recommendation of the County Executive, by Resolution, provides that the financial obligations should be subject to annual appropriation by the County Council and shall not constitute debt of the County nor in any way constitute a pledge of the general tax revenues, funds, or moneys of the County; and generally providing for and determining various matters in connection with the financing and acquisition of such Protective Software System.

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on:

at:

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, the County Executive proposes that the County enter into one or more
2 lease/purchase agreement or agreements, financing leases, installment purchase agreements or
3 lease-leaseback agreements (the "Leases"), through the competitive bid process, for the financing
4 and acquisition of certain Protective Software System as provided in the Annual Budget and
5 Appropriation Ordinance (hereinabove described), such financing to be in an aggregate principal
6 amount not to exceed Ten Million Dollars (\$10,000,000) plus interest; and

7 WHEREAS, the County Executive proposes that he and such other County officials as he
8 may require be given the authority to execute the Lease(s) in one or more series and such other
9 documentation as shall be necessary to effect the financing and acquisition of such Protective
10 Software System on behalf of the County; and

11 WHEREAS, certain details of the Lease(s) and additional details incident to the financing
12 and acquisition of such Protective Software System shall be approved by a Resolution of the
13 County Council; and

14 WHEREAS, the County Executive proposes that upon his recommendation and with the
15 approval of the County Council, by Resolution, the County acquire such Protective Software
16 System pursuant to a lease purchase agreement, financing leases and/or lease-leaseback
17 agreements; and

18 WHEREAS, Sections 520 and 524 of the Charter of the County require that all
19 agreements and payments thereunder which would extend beyond the current fiscal year be
20 authorized by legislative act.

21 NOW, THEREFORE:

22 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD
23 COUNTY, MARYLAND that the County Executive be, and he and such other County officials

1 as he may require are, hereby authorized to execute on behalf of the County one or more Lease(s)
2 in one or more series and such other documentation as the County Executive shall determine to
3 be necessary to provide for payment by the County of Lease payments in an aggregate principal
4 amount not to exceed Ten Million Dollars (\$10,000,000) plus lease purchase interest cost to
5 effect the Lease acquisition of certain Protective Software System known and described as
6 "Safeguarding Business Operations") as set forth on page 35, line 12, page 40, line 11 and page
7 42, line 28 in The Annual Budget and Appropriation Ordinance, As Amended.

8 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
9 HARFORD COUNTY, MARYLAND that the Lease(s) shall provide for the financing and
10 acquisition of such Protective Software System, as more fully described in Section 1 of this Act
11 and incorporated herein by reference, to be used in connection with the operations of the County.
12 The cost of the acquisition of such Protective Software System shall not exceed Ten Million
13 Dollars (\$10,000,000), plus the lease finance cost as may be appropriated by the County Council
14 in The Annual Budget and Appropriation Ordinance in each year.

15 SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
16 HARFORD COUNTY, MARYLAND that, upon the recommendation of the County Executive
17 with the approval of the County Council by Resolution and subject to the Annual Budget and
18 Appropriation Ordinance, the Protective Software System as approved by this Act may be
19 revised and amended and other necessary and essential Protective Software System may be
20 substituted therefor.

21 SECTION 4. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
22 HARFORD COUNTY, MARYLAND that the identity of the successful bidder to provide the
23 financing for the Protective Software System shall be determined by competitive bids conducted

1 by the Department of the Treasury; provided that any such bid received shall be subject to
2 negotiated changes approved by the County Council.

3 SECTION 5. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
4 HARFORD COUNTY, MARYLAND that certain details of the lease financing evidenced by the
5 Lease(s) (including, but not limited to, the successful bidder) shall be approved by the County
6 Council by Resolution.

7 SECTION 6. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
8 HARFORD COUNTY, MARYLAND that any Lease payments under the Leases shall be a full
9 faith and credit obligation of the County and the unlimited taxing power of County is pledged to
10 such payments, unless the County, upon approval by Resolution of the County Council,
11 determines that the lease payments shall be subject to annual appropriation by the County
12 Council and shall not constitute a current expense of the County, shall not be construed as a debt
13 of the County, nor shall the County's obligation to make such Lease payments in any way
14 constitute a pledge of the full faith and credit, general tax revenues, funds or moneys of the
15 County.

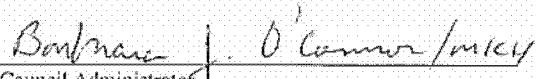
16 SECTION 7. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
17 HARFORD COUNTY, MARYLAND that the Protective Software System described in Section
18 1 may be acquired pursuant to one or more lease finance agreements to be executed by the
19 County Executive of the County.

20 SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
21 HARFORD COUNTY, MARYLAND that, upon the recommendation of the County Executive
22 and with the approval of the County Council by Resolution, the County, in lieu of a lease or lease
23 purchase, may purchase all or a portion of such Protective Software System.

1 SECTION 9. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
2 HARFORD COUNTY, MARYLAND that this Act shall take effect sixty (60) calendar days
3 from the date it becomes law.

EFFECTIVE: August 16, 2010

The Council Administrator of the Council does hereby
certify that fifteen (15) copies of this Bill are immediately
available for distribution to the public and the press.


Council Administrator

HARFORD COUNTY BILL NO. 10-17

Brief Title Lease Purchase

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date June 15, 2010

ENROLLED

Billy Bonface
Council President

Date June 15, 2010

BY THE COUNCIL

Read the third time.

Passed: LSD 10-16

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 16th day of June, 2010 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator



BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date June 17, 2010

BY THE COUNCIL

This Bill No. 10-17 having been approved by the Executive and returned to the Council, becomes law on June 17, 2010

EFFECTIVE DATE: August 16, 2010

Barbara J. O'Connor
Barbara J. O'Connor
Council Administrator